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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Group Art Unit: 3681

WALT ORTMANN, et al.

Examiner: Tisha D. Lewis

Serial No.: 10/711,331

Filed: September 10, 2004

For: HYBRID VEHICLE POWERTRAIN WITH A MULTIPLE-RATIO POWER TRANSMISSION MECHANISM

Attorney Docket No.: 81105739/FMC1796PUSP

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of October 5, 2006, Applicants provisionally elect the claims of Group I for further prosecution in this application.

The claims that are included in elected Group I are claims 1-9 and 23.

Applicants are making this election with traverse. Applicants do not agree that a restriction requirement is appropriate because the application includes claims that are generic to both species of Groups 1-4. The generic claims are claims 22 and 25.

Applicants request the Examiner to reconsider the requirement for restriction and include claims 22 and 25 in an examination of the application. Upon a determination that claims 22 and 25 are allowable, applicants request a favorable consideration of claims 10-21 and 24.

Claims 1-9 define a control method for effecting a power-on upshift, and claims 10-21 define a control method for effecting a coasting downshift. Claim 23 defines a control

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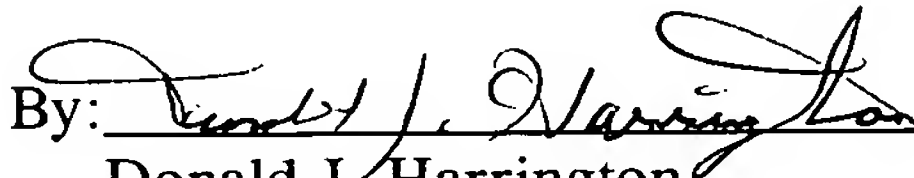
Donald J. Harrington
Signature

system for effecting a power-on upshift. Claim 24 defines a control system for effecting a coasting downshift.

In summary, applicants do not agree with the Examiner's statement that the application does not include a generic claim. Claims 22 and 25 are not specific to either a coasting downshift event or a power-on upshift event. They are generic to both events. In applicants' view, they should not be grouped in separate groups 1 and 4. For this reason, an examination of claims 22 and 25, together with elected claims 1-9 and 23, is proper even if the Examiner does not agree with applicants' position that a restriction requirement is not appropriate.

Respectfully submitted,

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Date: 11/6/06

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